

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN C. BLISS and CATHERINE L.
BLISS,

Plaintiffs,

v.

NEW PENN EXPLORATION, LLC,

Defendant.

CIVIL ACTION NO. 3:09-CV-376

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court is Defendant New Penn Exploration, LLC's ("New Penn") Motion to Dismiss. (Doc. 2.) New Penn argues that Plaintiffs' Complaint fails to state a claim because Plaintiffs seek to void the lease agreement they signed with New Penn. New Penn states, and Plaintiffs concede, that the lease agreement has been assigned to Southwestern Energy Production Company, LLC ("Southwestern"). (Br. in Supp. 17-19, Doc. 5; Br. in Opp'n 10, Doc. 7.) Therefore, Plaintiffs fail to state any claim for relief against New Penn. Plaintiffs argue that instead of dismissing the present action, this Court should join Southwestern as an indispensable party pursuant at Federal Rule of Civil Procedure 19. Rule 19 provides that a party must be joined if either:

- (a) in the person's absence, the court cannot accord complete relief among existing parties; or
- (b) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the persons absence may:
 - (1) as a practical matter impair or impede the person's ability to protect the interest

FED R. CIV. P. 19. While the absence of Southwestern may prevent Plaintiffs from obtaining

their requested relief in this action, it does not prevent relief from being completed between Plaintiffs and New Penn because there is not any available relief. Likewise, granting New Penn's motion to dismiss will not impair or impede Southwestern's ability to protect its interests in the relevant lease agreement. I find that Southwestern need not be joined to the present action because there is no relevant dispute between Plaintiffs and New Penn to which it may be joined. In light of this conclusion, I need not address Defendant's remaining arguments. Defendant's motion to dismiss will be granted.

NOW, this 4th day of May, 2010, **IT IS HEREBY ORDERED** that:

- (1) Defendant New Penn Exploration, LLC's Motion to Dismiss (Doc. 2) is **GRANTED**.
- (2) The Clerk of Court shall mark this case as **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge